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ABSTRACT

This position paper addresses four general areas of concern relating to the Exchange Visitor Program (EVP) and discusses specific proposals and related foreign policy implications. The areas of concern are as follows: (1) the role of the Immigration and Naturalization Service in EVP; (2) the relationship between the United States Information Service (USIA) and the individual designated EVPs; (3) various exchange visitor employment issues such as compensation and employment benefits; and (4) data management requirements involving the EVP. Following a discussion of each of these areas a "proposal," or suggestion for action is given, and foreign policy implications are summarized. Additional recommendations discussed concern who is eligible for EVP sponsorship; access to practical training opportunities for exchange students; length of stay in the professor/research scholar category; the removal of the 3-week minimum limit for sponsorship; the combining of the two EVP categories of professor and research scholar/specialist; and the incorporation of all professional trainees, except foreign medical graduates engaged in graduate medical education or training, into the trainee category. A copy of the USIA Guidelines for Employment of Exchange Visitor Scholars is appended. (GLR)

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The Exchange Visitor Program: Options for Review and Revision

A Position Paper Prepared by
NAFSA: Association of International Educators

for

The Task Force on Regulatory Reform
United States Information Agency

November, 1990

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INTRODUCTION

The United States Information Agency (USIA) and the academic community have a long history of cooperation in furthering international educational and cultural exchange. As one might expect, the tone of the dialogue between them has changed as leadership and professionals on both sides have changed. The two have worked together through geopolitical situations which, although years or decades in the past, are still sharp and clear in the memories of many. The Exchange Visitor Program (EVP) and program sponsors on campuses across the country have, by judicious and creative use of the program, kept open pathways of exchange at times and to parts of the world where almost all other roads were closed. The global perspective and flexibility of the legislative instruments created by Congress made the exchanges possible. NAFSA believes that with the changes taking place in the world and with the review of the EVP underway we have an exceptional opportunity to rethink the way the program is used at educational institutions and to shape an EVP which preserves, in its best form, the intentions of the Mutual Educational and Cultural Exchange Act of 1961.

GENERAL PROPOSALS

The following proposals relate only to educational institutions and make no attempt to speak to the issues and concerns of other types of program sponsors. References to Responsible Officers (ROs) are meant to include Alternate Responsible Officers as well, unless otherwise stated.

In reviewing the original purpose and intent of the EVP, and the relationship with the government and private entities and the individuals that affect the EVP in some way, four areas of concern emerged. We will consider those general areas first and then discuss specific recommendations.

I. THE ROLE OF THE IMMIGRATION AND NATURALIZATION SERVICE IN THE EXCHANGE VISITOR PROGRAM

The Immigration and Naturalization Service (INS), in its administrative and enforcement roles under the Department of Justice, has the responsibility to monitor and control the activities of aliens in the United States. The degree and nature of this control ranges from the detainment and incarceration of aliens in deportation proceedings, to the simple admission of diplomatic personnel and employees of international organizations such as the World Bank. The exchange visitor should be perceived more like the latter. Under current regulations, INS is required to adjudicate extension-of-stay, transfer-of-program, and J-2 work authorization requests for exchange visitors. Such adjudications are time consuming, almost always result in approvals, and therefore have very little "enforcement" value to INS. Adjudication, however, may take months. While an exchange visitor waits for an immigration benefit to be approved by INS so as to be legally employed, he may be precluded from beginning teaching, research, or study at the new institution. Grants or assistantships may also be withheld. The effects on the exchange visitor include significant interruption in the exchange activities for which he came to the United States and possibly serious financial hardship as well.

Proposal: Consolidate both USIA's and the educational institutions' responsibility for the EVP by removing the program from the authority of the INS and putting it into the hands of USIA. Provide USIA with the staff, resources, and equipment necessary to handle extensions and transfers as an in-house notification procedure without adjudication.

Foreign policy implications: By considering the exchange visitor status as quasi-diplomatic, controlling the program and the individual designated programs through USIA, and treating the exchange visitor as a participant in a special activity, the prestige of the EVP is enhanced both in the United States and abroad.

II. THE RELATIONSHIP BETWEEN USIA AND THE INDIVIDUAL DESIGNATED EXCHANGE VISITOR PROGRAMS

One of the most important characteristics of the EVP has been its ability to adjust to a changing national and international agenda. For the RO, it has allowed him to consider difficult questions in appropriate contexts and reach decisions which have benefited the exchange visitor, the individual program, and the EVP. This kind of essential evaluative judgment is possible only in an environment where communication between the EVP and the individual programs is efficient, informed, and positive.

Proposal: Provide sufficient staff to USIA to permit educational institution program sponsors to consult with USIA to find effective solutions to new or challenging situations in a timely manner. Select and assign as an educational institution liaison a USIA staff member who has an understanding of the dynamics of educational institutions and an appreciation of the special opportunities those institutions can offer both to exchange visitors and to the United States. Ensure that this staff member has adequate resources and support staff.

Foreign policy implications: The ability of the EVP to deal with the extraordinary in an ordinary and usual manner reinforces the concept, both in the United States and abroad, that the Agency is prepared for and capable of overseeing an international educational and cultural exchange program responsive to U.S. and global interests. If EVP regulations are treated as guidelines upon which to base reasoned decisions rather than as writ from which deviations are not permitted, and if staff are available and inclined to use the many options of the EVP, then the EVP can adjust to unusual international, institutional, or personal situations in ways that meet U.S. foreign policy goals without creating the impression that inappropriate special exceptions have been made.

Directly related to the availability of USIA staff to the ROs, is the availability to USIA of fully informed ROs. ROs endeavor to maintain well-run programs which are in keeping with the goals of the EVP and which permit exchange visitors to engage unhindered in the programs for which they come to the United States. ROs must have accurate information in order to balance their many responsibilities and duties ethically and conscientiously.

Proposal: Implement a Responsible Officer training program which includes: the national and international aims and goals of the EVP; the responsibilities of the RO to the EVP, to the sponsoring institution, and to the exchange visitor; the responsibilities of USIA to the ROs and the program sponsors; and methods and systems for exchange of information which contribute to the cooperative use and management of the EVP.

Foreign policy implications: A training program would ensure that all ROs operate from the same essential body of information. Variation resulting from specific program descriptions or special circumstances described above could then be understood in the larger context of the EVP. The result would be a level of consistency in the way programs are administered and in the information provided to exchange visitors by ROs which would reinforce the perception of the EVP as a national program with an international mandate.

III. EMPLOYMENT ISSUES

In recent years, USIA's reaction to the concept of employment of an exchange visitor has created the impression that work, employment, or payment for services is an inappropriate way to provide support and that only grants, scholarships, or similar kinds of funding are acceptable sources of income. The United States values and rewards ability and expertise generally by paying people for the work they do. The lofty academic terms of "grant," "scholarship," "support," etc., must eventually settle to the more earthbound accounting system of a university as an employer and a provider of services. Whatever the term used, the student or scholar must be entered "into the system" as an employee or other recipient of university funds, which must then be taxed, tracked, reported, and filed. On many campuses, having a student or scholar in the payroll system is the only way to provide certain benefits which would normally accrue to his colleagues of similar standing. Examples include, but are not limited to: health insurance, day care for children, discounts on tickets to cultural events and entertainment both on and off the campus, access to certain library materials, and eligibility for membership in certain clubs and organizations. Similarly, opportunities away from the host campus (at

other schools, in business, or in privately or publicly funded laboratories) which are beneficial for all concerned, have to be categorized as employment in order to have the individual covered for insurance should an accident occur, or to provide access to the laboratories and materials which under security procedures at the location are only available to employees.

ROs on university campuses understand that the purpose of the EVP is educational and cultural exchange. We value the uniqueness of the EVP and do not wish to make it only another avenue of employment. However, we must adjust the regulations of the program so that the prohibition against employment does not hinder or restrict the exchange, thereby limiting the exchange visitors participation in valuable study and research opportunities.

Proposals:

1. ROs should be permitted to authorize temporary, part-time, off-campus work opportunities for J-1 researchers and professors. Employment should be related to the scholar's area of specialization and be of benefit to both the exchange visitor and the U.S. employer. Clear procedures for work authorization should be adopted as drafted by NAFSA and submitted to USIA earlier this year (see Appendix I).

2. The EVP regulations should give students the right to work 20 hours per week while school is in session and full time during vacation and holiday periods. This employment authorization should be clearly noted as "incident to status" in the regulations so as not to require INS involvement. Students should be required to be in good academic standing as a prerequisite to part-time work, so as to ensure that their primary objective for being in the United States is academic study, rather than employment.

Current regulations permit ROs to authorize employment only in cases where a student has encountered unforeseen financial difficulties. Granting students broader work opportunities will give them a truer exposure to the United States and its people and will make them fuller participants in the educational process.

3. J-2 dependents should be granted blanket work authorization "incident to status". In the early

legislation relating to the EVP and to F-1 students there were proposals to grant both F-2 and J-2 dependents work authorization. In subsequent congressional action, work authorization for F-2s was dropped, but was purposely retained for the J-2s. The rationale for this policy decision was that the number of J-2 dependents was and is much less than the number of F-2s. Thus, the impact of J-2 employment on the U.S. labor market is relatively small. More importantly, members of Congress felt that J-1 participants would be a select group of nonimmigrant aliens coming to the United States through prestigious public and private scholarship programs. Their spouses were thus deserving of special consideration through benefits such as employment. Further, J-2 employment would help the couple cover the spouse's living expenses (since sponsorship for most J-1s does not include dependents), while promoting family unity and a smoother exchange experience. All of these issues behind "congressional intent" for J-2 work permission remain valid today and support the need to maintain the benefit.

An important reason for the move to blanket work permission for spouses, is that INS approves almost all J-2 work requests which it receives. Since no purpose is served by having spouses go through an INS application and adjudication, it would be more efficient for all involved to make work authorization incident to status. ROs are aware that the J-1 principal should not be dependent upon the J-2 for support, and procedures should be developed to prevent such misuse of dependent employment.

Foreign policy implications: One of the initial and continuing goals of the EVP is to expose foreign nationals to U.S. culture and to create positive impressions of how the U.S. political and economic system affect daily life. It is hoped that the exchange visitor will then share both the educational and cultural experience with colleagues and friends upon his return home. As stated earlier, work is an integral and essential part of our culture. Exchange visitors should be able to participate in valid and well defined employment opportunities.

IV. DATA MANAGEMENT

USIA's need to monitor and control the EVP, the inability of INS to provide accurate, current information on aliens in the United States, and the limitations on the RO's time and staff, make it imperative that most reporting and adjudication procedures be eliminated from the EVP and that a computerized data management program be created which will handle most records and require individual attention only for special circumstances. Such a system would eliminate time consuming and unproductive work. For example, current regulations require that program sponsors report to INS when an exchange visitor leaves the program. No method for reporting is recommended, although NAFSA's Adviser's Manual of Federal Regulations Affecting Foreign Students and Scholars suggests that schools may send individual reports, periodic reports, or annual reports to INS. There is also no guidance as to whether INS local, district, or regional offices should receive these reports. Even more discouraging for those attempting to comply with the regulations is the discovery that, in many parts of the country, the INS office which receives these reports discards them without making any record of having received them.

Another area of difficulty is the preparation and use of the back of the pink copy of the form IAP-66. The rationale for this section of the pink copy was to ensure that exchange visitors admitted on an IAP-66 issued for sponsorship for longer than a year continued to maintain status over the entire period. At present, however, there is no information in the regulations or on the form which indicates: (1) how long the signature on the front is valid, (2) how long an update on the back is valid (in fact there is no place to date the signature on the back), and (3) whether the exchange visitor must have the form updated for every exit from and re-entry into the United States.

Proposal: Place the EVP directly under the control of USIA and remove any reporting requirements for the EVP from INS. USIA should create a data entry, management, and retrieval system which can accept data from the IAP-66, compare data elements, and produce reports of items that need further attention. For example, the system ought to be able to check for changes of category, extensions of stay beyond the time normally allowed in a category, and so on. If INS can improve the

accuracy of its data base, USIA might be able to compare or exchange data on exchange visitors to provide the level of control each believes it needs and to meet the reporting duties each one has to Congress.

As part of this approach to data management, USIA should revise the form IAP-66 and the code books used to enter information, and redesign the back of the pink copy of the IAP-66 so that the information there is meaningful and useful to consular and immigration officers. Unless and until such a data management system can be put into place, the reporting requirement should be suspended or eliminated and consular and immigration officers should be instructed to disregard the reverse of the pink copy in making visa and admission decisions.

Foreign policy implications: For many important reasons, Congress and USIA are concerned about the national and international reputation of the EVP. Placing the program under the complete authority of USIA would make it possible for the EVP to be administered in a more consistent manner. This consistency would enhance the national and international perception of the program and permit the EVP to be used to achieve educational and cultural exchange objectives. Moreover, greater consistency would create a more positive experience for the exchange visitor and a better understanding of the global implications of the EVP.

ADDITIONAL RECOMMENDATIONS

1. Define who is eligible for J-1 sponsorship to include those persons who are supported in whole or in part, directly or indirectly, by: the U.S. government, a foreign government, U.S. state or local governments, U.S. public or private institutions, and U.S. or foreign funding organizations.

Rationale: The question of who qualifies as a J-1 participant is confusing for both ROs and exchange visitors alike. Although the original intent of the EVP was that participants be "sponsored" in some way, the types of sponsorship along with the types of exchange visitors have become very diverse through the years. The criteria for exchange visitor status should continue to be based upon financial support from a source other than one's family or personal funds. However, the broader definition noted above should be used as a clearer, more up-to-date guideline for program sponsors and participants.

2. Redefine the student category to include both: students enrolled in academic programs leading to a degree or certificate, and students participating in educational programs or having programmatic affiliations leading to a specific educational objective. Permit sponsorship in the student category of any student whom the school determines meets this definition.

Rationale: The inclusion of both kinds of students in the student category has been a long standing agency practice. Though not a part of the regulations, this broader definition was approved by USIA in past editions of NAFSA's Adviser's Manual. The practice permits exchange visitors to participate as students: 1. in specially designed programs, 2. in all or part of a degree or certificate program as non-degree seekers, and 3. in similar student situations which do not meet the current regulatory definitions.

3. Give J-1 students access to practical training opportunities before graduation.

Rationale: Under current regulations, J-1 students are permitted to pursue practical training

employment only "upon receipt of a degree or certificate." In many colleges and universities today, however, it is quite common for students to participate in internship, work-study, or cooperative education programs before graduation. These programs provide students with the opportunity for professional work experience which in most cases, is directly related to the field of study. Often they are organized by the institution and the student earns academic credit while receiving modest compensation from the employer. While enrolled in school, students may work for a semester or longer and in some academic programs (i.e., hotel management) this hands-on training may be mandatory as part of degree requirements.

USIA should amend the EVP regulations to allow J-1 students up to 12 months of "precompletion" practical training, with the possibility of longer periods for students who may need additional time to fulfill training requirements for their major. This regulatory change will also bring the EVP in line with INS student regulations for the F-1 program.

4. Permit practical training for up to 36 months for students compieting doctoral programs only, or consider post-doctoral training up to 36 months as continuation of student status with work authorized as necessary for the student to participate in a post-doctoral training program. Such training would be campus based or campus related.

Rationale: The three-year postdoctoral training/study after the receipt of the PhD degree has become a standard part of advanced education. It is a recognized part of the training of a scientist and academician and is essential to put the exchange visitor on an equal footing with his U.S. colleagues and to allow adequate time to set up laboratories and complete long-term experiments. Practical training after the receipt of lesser degrees (i.e. Bachelor's or Master's) should reasonably remain at 18 months.

5. Provide flexibility in the limits on length of stay in the professor/research scholar category to permit exchange visitors to participate in long-term projects when the magnitude and nature of the

project demands longer periods.

Rationale: In most cases, the present three-year time limit for scholars is adequate. Currently, there are provisions for short extensions beyond three years to complete research, write or present papers, participate in meetings, etc. However, as many fields of science become more complex and more specialized, planned research projects could take years or even decades to complete. In many cases, the participation of the exchange visitor will be long term, but intermittent with weeks, months, or years in the United States broken up by periods of time at universities abroad. For example, those dealing with astronomy or space exploration will need to be in the United States longer than three years in order to complete their projects. This need for additional time has already been recognized by USIA with regulations that permit U.S. government agencies, such as the National Institutes of Health, to sponsor certain scholars for up to five years. NAFSA believes that similar long-term arrangements need to be available to academic institutions on a case-by-case basis under a procedure provided for in the regulations.

6. Remove the three week minimum limit for sponsorship.

Rationale: Senior professors, lecturers, researchers, and others may be invited to our institutions to give a lecture, hold a two or three day master class, teach a research procedure, or consult on a project. These activities may last no more than a few days or a week, but under INS regulations, any honorarium we may wish to pay may be considered employment. Formerly, the B-1 visitor-for-business visa was used for this purpose, but because of employment restrictions it is no longer adequate. The J-1 visa permits the payment of an honorarium or similar compensation above expenses and commensurate to the individual's academic standing. Moreover, this kind of short-term exchange activity seems appropriate for the J-1 category.

7. Combine the two EVP categories, professor and research scholar/specialist, in the regulations as they have been on the form IAP-66.

Rationale: In the EVP regulations these are separate categories; however, in practice the two are often inseparable. Academicians are, under the most ancient descriptions of the profession, those who seek information and impart it to others. Therefore it is frequently the case that those with the title of professor also conduct research and those with the title of researcher also teach. At educational institutions, funding for international exchange comes from many different sources and the confines of institutional payroll and accounting systems allow very little flexibility. In the past, the simple difference in the titles "researcher" or "professor" combined with an institution's attempt to bestow an academic title, became problematic for exchange visitors when such an action resulted in an artificial category change. This difficulty was compounded when an exchange visitor in one category at one institution attempted to transfer to another institution to engage in essentially the same activities, but with a different title and a different funding source and therefore a different category.

USIA helped the academic community solve this problem by combining the two categories on the form IAP-66. The result has been significant. It is a clear and important example of USIA and the academic community identifying a problem and resolving it creatively in a way that enhances the experience of the exchange visitor and the institution. We recommend similar action on the regulatory level.

8. Provide a mechanism for change of category which is rational and expeditious.

Rationale: Category determinations for J-1 participants sometimes result in the artificial segmentation of an exchange visitor's activities. For example an upper level professor of economics at a foreign institution may come to the United States as a student in a business school program designed especially for senior managers or professionals. After completing the course, the institution may ask the professor to stay for a semester and teach a course in his specialty area which incorporates what he has just learned in the special program. Although technically this is a change of category, it is a logical and reasonable use of the EVP. The U.S. students will benefit from instruction from a senior professor who now has a binational perspective and the professor will benefit

from the experience of teaching when he returns home to teach. USIA has expressed a concern that permitting a change of category and a resulting extended stay in the United States contributes to expatriation of the exchange visitor. A change of category is not of itself detrimental to the EVP and may, in fact, be beneficial. Requests for change of category need to be considered in the context of their overall effect, rather than in the limited view of the general prohibition against change of category.

9. Reinstate, in an expeditious manner, the category of trainee or some variation of it to educational institutions upon request. This program category would permit educational institutions to sponsor exchange visitors for classroom and "real life" activities, in cooperation with the business and professional community. This kind of training would not necessarily be the same as a J-1 student's "practical training" after completion of a course of study, although the current definition of the trainee category which appears in USIA's "Codes for Educational and Cultural Exchange" has a section which is indistinguishable from, and apparently interchangeable with, "student practical training." It was this confusion which seems to have prompted USIA to remove summarily the trainee category from educational institution programs in 1981.

Rationale: A category which would permit schools to sponsor trainees who are not enrolled in academic or degree programs would be an extremely useful option on many campuses and is likely to become desirable on most campuses before the end of this decade. Universities are now involved in cooperative teaching, research, and training with professionals, businesses, private research foundations, other universities, and combinations of these which are too numerous to list. Because of these linkages, schools are in a unique position to make short-term training experiences available to exchange visitors who have no need or wish to be involved in a university academic or degree program.

Other than the usually expected benefits of exchange, another less obvious, but increasingly important benefit is obtained. If we can provide these opportunities for foreign students, we are in a much better position to negotiate similar experiences for U.S. students abroad. If the United States is

to be part of the global community, then our young people must have many opportunities for international study and work as early as possible in their academic careers. American students do not have the multinational advantage of the European Community, of Central and South America, of the Middle East, or of the Far East, although they do have the advantage of living in a country which attracts people from all of these parts of the world. Thus, it is in our best interest to encourage short-term multidimensional exchange, in addition to the exchange of students and scholars in academic programs.

An example of a campus-based short-term training experience may be useful. A university with a strong department in agriculture or botany has an ongoing research and development agreement with a company that is developing insect resistant or environmentally adapted plant species for a particular part of the world. Students in undergraduate, technical, or trade schools in that part of the world who are studying agricultural methods, and who will eventually work in their communities or go on for higher degrees, would benefit immensely from the opportunity to work in the production areas of the company where the new plant species is being tested. They would provide a service to the company and would be paid for that service. The employment, for both sides, is the means to achieve the end result of not only having the company gain insight into the market and the culture where the new species will be grown, but also having the individual who will ultimately be responsible for its introduction and growth on site obtain a depth and breadth of understanding that simple written instructions could never provide. By making such training available to the foreign student, the educational institution can reasonably request that a U.S. student be permitted to work in the foreign country learning the on-site conditions, giving new meaning to the course work he has undertaken or will undertake, and preparing him for further international work in his academic career and life. This framework applies to hundreds of similar situations such as short-courses, cooperative extension and so on in the humanities, arts, sciences, and business.

In this example, as in many other cases, the company does not have, and does not wish to obtain, a program sponsor designation from USIA. The company looks to the university to arrange for

this kind of experience in the same way that the university brings in academic researchers who work in the laboratories partially or wholly funded by the company. The university is the most logical entity to sponsor this kind of experience since it already has staff in place who are accustomed to evaluating the educational components of an experience and who are dedicated to running a responsible exchange program.

In addition to making trainees a part of university programs, provisions need to be made for colleges and smaller schools to come together in consortia to employ an outside administrator to coordinate trainee opportunities among schools, businesses, and exchange visitors. In this case, the outside administrator would be the program sponsor.

NAFSA understands that trainee programs may raise concerns by USIA as to whether a bona fide exchange activity exists, or whether the activity is simply an avenue for employment. We believe that if all parties are given clear guidance as to what is expected in an exchange program, then they will proceed in the best interest of exchange.

10. Incorporate all professional trainees, except foreign medical graduates engaged in graduate medical education or training, into the trainee category. Create a separate Foreign Medical Graduates (FMG) professional trainee category for "graduates of foreign medical schools receiving graduate medical education or training" under sponsorship of the Educational Commission for Foreign Medical Graduates (ECFMG). Delete the new FMG professional trainee category from the IAP-66 form or include a statement on the form reminding sponsors that the FMG professional trainee category may only be used by the ECFMG.

Rationale: In past years USIA has expressed concern that educational institutions were erroneously sponsoring clinical training in their programs. Those institutions which are affiliated with, or are parent institutions to medical care facilities, such as clinics or hospitals, need to be able to sponsor professional trainees in allied health fields. By changing the form IAP-66 the chance for confusion between FMG professional trainees and other professional trainees would lessen. This would

also call attention to the fact that only the ECFMG may sponsor clinical training for graduates of foreign medical schools.

11. Amend sponsor program descriptions, in an expeditious manner, to include the category of international visitor for educational institutions upon request.

Rationale: Some institutional program descriptions include this category, others do not. It is important for any educational institution to be able to sponsor individuals to come to the campus to meet and talk with colleagues, observe and discuss research methods, participate in seminars and workshops, perform or demonstrate techniques, and so on. Such activities often do not fit into the student, teacher, researcher, or trainee category, but they are, nevertheless, an important part of educational exchange.

12. Review and re-evaluate the purpose, implementation, and effect of the two-year home country physical presence requirement (HCPPR) as it may apply to related countries rather than to individual nations.

Rationale: As geographically, economically, politically, or culturally related nations form coalitions for their mutual benefit, it may be in the best interests of the United States to recognize formally those relationships and to permit exchange visitors to satisfy the HCPPR in a third country when the home country does not object or may even encourage them to do so. There are certain provisions for this in the current EVP regulations, but these provisions apply only to individuals who are employed by the home country and assigned abroad. This option needs to be expanded to include individuals returning to one of the member nations of the coalition. Illustrative of this kind of international association are the open study and work opportunities to be available in the European Community (EC) beginning in 1992. Exchange visitors from the EC may not have any occasion to study or work in their home country. For example, a German student receiving a Master's degree in electrical engineering in the United States may have better work opportunities in the United Kingdom. Given

these circumstances, the return to the "home" country rule may not be professionally or academically reasonable. In this circumstance we need to consider whether repatriation to the EC may be more beneficial than repatriation to the country of citizenship. Parallels can be drawn in international efforts to assist developing nations in binational or multinational mutual assistance agreements.

CONCLUSION

Two primary goals of the EVP are: 1. to promote international understanding, and 2. to give foreign nationals educational and cultural experiences in the United States which demonstrate a successful democracy at work. The relationship among education, industry, and government in the United States is uniquely representative of the ways in which a democratic political system fosters creative alliances and encourages individuals and groups to work cooperatively to their advantage. It is the much sought after, and in the United States frequently achieved, "win-win" situation.

Educational institutions are by their nature not only educators, but also research institutions, employers, businesses, and providers of services. As such, they can offer a wide range of opportunities. A few weeks or months of training, a full degree program at almost any level, teaching and research in a specialized field, or a full professorship for senior academics are all available through the resources of U.S. educational institutions. These institutions, recognizing that the exchange of knowledge is a human and therefore global activity, have a deep and abiding concern for the continuity and quality of international educational exchange.

NAFSA's proposals for changes in the EVP are intended to involve exchange visitors at educational institutions in the range of highly successful experiences which are assumed and commonplace for their U.S. colleagues. We believe that these proposals, if implemented, will establish a way to monitor and maintain control of the EVP while at the same time preserve flexibility and offer the totality of the experience of the EVP. This separates the EVP from other visa classes where delays and hinderances, although sometimes necessary, are common. It is this separate character which distinguishes the EVP from visa classes for business, visitors, employees, and others, and which makes it able to respond to major changes in the world quickly, efficiently, and unobtrusively to support and enhance our foreign policy objectives.

The Exchange Visitor Program is an essential part of international exchanges and the thoughtful stewardship of individual J-1 programs on U.S. campuses is of great importance to NAFSA. It is

essential to the continued success of the program that all of us -- educational institutions, USIA, and the exchange visitors -- reach a mutual understanding of the intent of Congress in establishing the EVP and how the goals and aims of the program are to be interpreted in a changing world. Regulations and procedures must be formulated to serve as guidelines for positive, responsible exchanges that facilitate the interchange of people.

Appendix I

USIA GUIDELINES FOR EMPLOYMENT OF EXCHANGE VISITOR SCHOLARS

(As drafted by NAFSA and submitted to USIA in May, 1990 for review.)

It is the responsibility of the responsible officer to advise exchange visitors of the restrictions that the U.S. government places on their activities, the limitations on their employment, and of the opportunities they may or may not be eligible to accept while in the United States. The following are guidelines for responsible officers when considering requests by professors and research scholars or specialists for authorization of employment by an employer other than the sponsoring institution or the institution where the exchange visitor is placed by the sponsoring agency. (All references to professors and research scholars or specialists are based on the categories under which an exchange visitor is documented on the form IAP-66.)

I. REQUESTS TO GIVE OCCASIONAL LECTURES, SEMINARS, OR CONSULTATIONS AT OTHER NONPROFIT, EDUCATION, OR RESEARCH INSTITUTIONS may be authorized by the responsible officer if the activities are related to the objectives for which the alien was accepted by the program sponsor. "Occasional lectures" means other than on a regular basis and other than the fundamental content of an academic course of instruction.

Written authorization must be provided to the exchange visitor by the responsible officer in which the period of time involved, estimated number of hours, and estimated payment must be indicated. A copy of the letter is to be retained in the exchange visitor's file and available upon request to the exchange visitor facilitative staff of USIA.

II. REQUEST BY A PROFESSOR WHO WISHES TO TEACH AT AN EDUCATIONAL INSTITUTION OTHER THAN THE ONE DESIGNATED ON HIS OR HER FORM IAP-66 may be authorized by the responsible officer if the activities relate to the objectives for which the alien was accepted by the program sponsor and if the professor provides the following:

1. A letter from the proposed employer outlining salary, period of time involved, and field or subject of instruction

2. A letter from the exchange visitor's department head or supervisor recommending the prospective employment.

Written authorization must be provided to the exchange visitor by the responsible officer in which the period of time involved, estimated number of hours, and estimated payment must be indicated. A copy of these letters are to be retained in the exchange visitor's file and available upon request to the exchange visitor facilitative staff of USIA.

III. REQUEST FROM A RESEARCH SCHOLAR OR SPECIALIST WHO WISHES TO UNDERTAKE ADDITIONAL RELATED RESEARCH ACTIVITIES AT A SECOND ACADEMIC INSTITUTION OR NONPROFIT RESEARCH ORGANIZATION FOR FINANCIAL RECOMPENSE WHILE STILL ENGAGING IN THE PROGRAM SPECIFIED IN HIS OR HER FORM IAP-66 may be authorized by the responsible officer if the activities relate to the objectives for which the alien was accepted by the program sponsor and if the research scholar or specialist provides the following:

1. A letter from the proposed employer outlining salary, period of time involved, and field or area of research

2. A letter from the exchange visitor's department head or supervisor recommending the prospective employment.

Written authorization must be provided to the exchange visitor by the responsible officer in which the period of time involved, estimated number of hours, and estimated payment must be indicated. Copies of these letters are to be retained in the exchange visitor's file and available upon

request to the exchange visitor facilitative staff of USIA.

IV. REQUEST BY A PROFESSOR OR RESEARCH SCHOLAR TO ACCEPT OCCASIONAL OR COMPLIMENTARY RESEARCH ASSIGNMENTS WITH PROFIT-MAKING ORGANIZATIONS may be authorized by the responsible officer if the activities relate to the objectives for which the alien was accepted by the program sponsor and if the following conditions are met.

1. The activity appears to be an exchange of expertise which would further the goals of international educational exchange.

2. The activity is related to the objectives for which the exchange visitor came to the U.S.

3. The primary benefit of the proposed activity will be to the exchange visitor's professional career development with only incidental benefits to the employer. The primary benefit must be professional rather than pecuniary.

The research scholar or specialist must provide the following:

1. A letter from the proposed employer outlining:

   a. the purpose and objectives of the employment;

   b. the manner in which the exchange visitor will benefit from the activity;

   c. the salary, period of time of employment, and subject field or expertise involved.

2. A letter form the exchange visitor's supervisor recommending the employment and stating the reasons for supporting the request.

If after determining that these conditions have been met, the responsible officer desires to support the research assignment, a written authorization must be provided to the exchange visitor by the responsible officer in which the period of time involved, estimated number of hours, and estimated payment must be indicated. Copies of these letters are to be retained in the exchange visitor's file and available upon request to the exchange visitor facilitative staff of USIA.